

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JORGE GALEAS, JR.,)
)
Petitioner,)
)
v.) 1:16CV60
)
FRANK PERRY,)
Secretary of Public Safety,)
)
Respondent.)

ORDER

Judgment was entered in this case on March 4, 2016, adopting the Magistrate Judge's Recommendation (Doc. 2) and dismissing this case without prejudice to Petitioner filing a new petition, on the proper § 2254 forms. (Doc. 4.) Petitioner did not file objections to the Recommendation, but filed objections to the Judgment (Doc. 5), which the Magistrate Judge construed as a motion to alter or amend or for relief from judgment.

This matter is now before this court for review of the Text Recommendation entered on April 15, 2016, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Docket Entry 04/15/2016.) In the Text Recommendation, the Magistrate Judge recommends that the court treat Petitioner's objections (Doc. 5) as a motion to alter or amend or for relief from judgment, under

Federal Rules of Civil Procedure 59(e) and/or 60(b) and that the motion be denied. The Text Recommendation was served on the parties to this action on April 15, 2016. (See Doc. 6.)

Petitioner filed objections to the Text Recommendation. (Doc. 7.)¹

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b) (1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Text Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Text Recommendation. This court therefore adopts the Text Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Text Recommendation (Docket Entry 04/15/2016) is **ADOPTED**. **IT IS**

¹ Although the objection reports that Petitioner exhausted his state court remedies as required by 28 U.S.C. § 2254(b) (see Doc. 7 at 16), the objection fails to identify a potentially valid habeas challenge and does not provide any documentation to show that Petitioner timely filed objections to the prior Order and Recommendation of United States Magistrate Judge (Doc. 2).

FURTHER ORDERED that Petitioner's objection (Doc. 5) is construed as a motion to alter or amend or for relief from judgment and that the motion is **DENIED**.

This the 19th day of May, 2016.

William L. Osten, Jr.

United States District Judge